

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 23, 28, and 30-33 are cancelled herein without prejudice to or disclaimer of the subject matter contained therein. Claims 1-20, 25, 34, and 35 were previously cancelled without prejudice to or disclaimer of the subject matter set forth therein. Claims 21, 22, 24, 26, 27, 29, and 36-45 are pending, of which claim 21, 29, 42, and 43 are amended. Claims 36 and 37 are withdrawn. Claim 21 is independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Examiner Interview

If, during further examination of the present application, a discussion with the Applicants' Representative would advance the prosecution of the present application, the Examiner is encouraged to contact Carl T. Thomsen, Registration No. 50,786, at 1-703-208-4030 (direct line) at his convenience.

Rejection Under 35 U.S.C. § 112, first paragraph

Claims 42 and 43 stand rejected under 35 U.S.C. § 112, first paragraph. This rejection is respectfully traversed.

In order to overcome this rejection, Applicants have amended claim 42 in order to replace the word "adhesive" with the word "abhesive" (supported by paragraph [0032] of the

published application), by deleting the word “substantially” from claims 42 and 43, and by replacing the words “tubular bodies” with the words “hollow bodies” in claim 43. “Hollow bodies” are supported in the original application, for example, in paragraphs [0011] and [0013] of the published application. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejection Under 35 U.S.C. § 112, second paragraph

Claims 42 and 43 stand rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed.

In order to overcome this rejection, the Applicants have amended claims 42 and 43 to delete the word “substantially” in claims 42 and 43, and to replace the words “tubular bodies” with the words “hollow bodies” in claim 43. “Hollow bodies” are supported in the original application, for example, in paragraphs [0011] and [0013] of the published application. The Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejections Under 35 U.S.C. §103(a)

Claims 21, 23, 28, 30, 32, 33, and 38, 40, and 42-45 stand rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being unpatentable over Wambeke et al. (U.S. 5,741,014) in view of Bonk et al. (U.S. 4,731, 273);

claim 22 stands rejected under 35 U.S.C. §102(b) under 35 U.S.C. §103(a) as being

unpatentable over Wambeke et al. in view of Bonk et al., and further in view of Woods (U.S. 4,414,275);

claim 24 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Wambeke et al. (U.S. 5,741,014) in view of Bonk et al., and further in view of Stanek (U.S. 3,959,052);

claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Wambeke et al. (U.S. 5,741,014) in view of Bonk et al., and further in view of Flint (Re. 30,843);

claim 27 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Wambeke et al. (U.S. 5,741,014) in view of Bonk et al., and further in view of Komiyama et al. (U.S. 5,118,567);

claim 29 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Wambeke et al. (U.S. 5,741,014) in view of Bonk et al., and further in view of Lautenschlaeger et al. (U.S. 4,814,215); and

claims 31, 39, and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wambeke et al. (U.S. 5,741,014) in view of Bonk et al., and further in view of Czepel et al. (U.S. 4,277,532).

These rejections are respectfully traversed.

Amendments to Independent Claim 21

While not conceding the appropriateness of the Examiner's rejection, but merely to advance the prosecution of the present application, **independent claim 21** has been amended herein to recite a combination of elements directed to a pressure-sensitive adhesive material or a sealing material which has a three-dimensional structure and a defined cross-sectional contour,

including *inter alia*

“a polymerizable mass consisting of

at least one compound selected from the group consisting of

aromatic (meth)acrylates,

alicyclic (meth)acrylates, polycyclic (meth)acrylates,

heterocyclic (meth)acrylates,

epoxide acrylates,

epoxides, vinyl ethers, vinyl esters, and styrene, and

at least one other compound selected from the group consisting of

acrylic acid and/or methacrylic acid monomers,

a radiation sensitive initiator in an amount ranging from 0.0 to 5% wt. of the polymerizable mass,

an inorganic filler in an amount ranging from 0.0 to 10% wt. of the polymerizable mass,

a flame-proofing agent in an amount ranging from 0.0 to 5% wt. of the polymerizable mass, and

a colorant in an amount ranging from 0.0 to 2% wt. of the polymerizable mass.”

Support for the subject matter contained in **independent claim 21** as amended can be found in dependent claims 28 and 30-32 as well as in paragraphs [0015] to [0020] of the published application (U.S. 2004/0202796).

The original application does not explicitly disclose the lower value of 0.0% wt for radiation-sensitive initiators, inorganic fillers, flame-proofing agents, and colorants. However, since these components were originally described as being optional components (see paragraphs [0019] and [0020] of the published application), a lower value of 0.0% formed part of the disclosure as originally filed. As such, no new matter has been added to independent claim 21 by way of this amendment.

Regarding Wambeke et al.

According to the Examiner, Wambeke et al. disclose a sealing material formed of pressure-sensitive adhesive and having a cross-sectional contour which deviates from a flat two-dimensional geometry, being semi-circular, triangular, quadrangular, etc., as shown in Figs. 4, 5 and 6 and described in col. 8. However, WAMBEKE et al. fails to describe the types of pressure-sensitive adhesives which can be used to form strings, strands or strips. In particular, WAMBEKE et al. fails to describe the specific composition of pressure-sensitive adhesives in form of strings, stands or strips which have a three-dimensional structure and a specific cross-sectional contour.

The missing features also cannot be found in the BONK et al. reference.

Regarding Bonk et al.

The BONK et al. reference teaches flat layers made of pressure-sensitive adhesives. The pressure-sensitive adhesives are made of a specific composition.

The specific pressure-sensitive adhesive according to BONK et al. comprises (a) an acrylate terpolymer and (b) a crosslinking agent selected from the group consisting of (i) an amine formaldehyde condensate, (ii) a chromophore-substituted trihalomethyltriazine or (iii) a polyfunctional acrylate monomer (column 2, lines 59 to column 3, line 5).

Thus, the pressure-sensitive adhesive according to BONK et al. requires the presence of at least one crosslinking agent which *inter alia* can be a polyfunctional acrylate monomer. However, the polymerizable mass according to the presently claimed invention teaches a totally different composition, which does not include a cross-linking agent.

As BONK et al. does not describe the specific pressure-sensitive adhesive composition according to the presently claimed invention, one skilled in the art would not get any hint from BONK et al. as to how the presently claimed pressure-adhesive composition is prepared. Thus, BONK et al. cannot be considered as an appropriate secondary reference, and one skilled in the art will not arrive at the presently claimed subject matter by combining the references of WAMBEKE et al. and BONK et al.

Moreover, even if the reference of BONK et al. disclosed the presently claimed pressure-adhesive composition, one skilled in the art would not arrive at the presently claimed invention by considering the teaching of both WAMBEKE et al. and BONK et al. for the following reasons.

BONK et al. discloses layers of pressure-sensitive adhesives. Thus, BONK et al. is totally silent of pressure-sensitive adhesives being shaped with the cross-sectional contour according to the presently claimed invention.

As there is no hint in the BONK et al. reference that pressure-sensitive adhesives can be shaped with a cross-sectional contour, it is surprising that these adhesives can be in the form of strings, strands or strips that have a three-dimensional structure and a defined cross-sectional contour. It is even more surprising to one skilled in the art that pressure-sensitive adhesives can be in a specific three-dimensional structure while at the same time said specific structure ensures sufficient adhesive properties. In other words, the suitability of any kind of pressure-sensitive adhesive for use as a sealing material with a three-dimensional structure would not be obvious to one skilled in the art at the time the presently claimed invention was made.

Regarding Czepel et al., Woods, Flint, Komiyama et al., and Lautenschlager et al.

The references of CZEPEL et al., WOODS, STANEK, FLINT, KOMIYAMA et al., and LAUTENSCHLAGER were merely cited for teaching additional features recited in the dependent claims. However, as these references neither disclose the specific composition of the presently claimed pressure sensitive adhesive, nor the formation of pressure-sensitive adhesives with a three-dimensional structure and a defined cross-sectional contour. As such, a combination of these documents with the combination of WAMBEKE et al. and BONK et al. cannot lead to the presently claimed invention.

At least for the reasons described above, the Applicants respectfully submit that the combination of elements as set forth in **independent claim 21** is not disclosed or made obvious by the combination of prior art of record, including Wambeke et al., and Bonk et al.

Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

Independent claim 21 is in condition for allowance.

Dependent Claims

The Examiner will note that dependent claim 23, 28, and 30-33 have been cancelled, and dependent claims 29, 42, and 43 have been amended.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, as well as for the additional novel limitations set forth therein.

All claims of the present application are now in condition for allowance.

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Reply dated February 24, 2010
Reply to Office Action of September 24, 2009

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CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

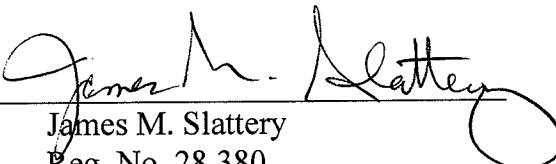
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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